IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

Crl.Rev.Pet.No. 905 of 2007(C)

M.38/2006 of SUB DIVISIONAL MAGISTRATE, FORT KOCHI.
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REVN. PETITIONER: PETITIONER/RESPONDENT

ANTONY, S/O. OUSEPH,
KOZHIKKADAN HOUSE, "ANNA RICE MILL",
KANJOOR PADINJARUM BHAGOM, VADAKKUMBHAGOM VILLAGE,
ALWAYE TALUK.

BY ADV. SRI.GEORGE CHERIAN (THIRUVALLA)

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR.
HIGH COURT OF KERALA, ERNAKULAM.

2. THARIYATH, S/O. OUSEPH,
KOZHIKKODAN, KANJOOR, PADINJARUM BHAGOM KARAYIL,
VADAKKUMBHAGOM VILLAGE, ALWAYE TALUK.

3. BENNY, S/O. THARIYATH,
KOZHIKKODAN, KANJOOR, PADINJARUM BHAGOM
KARAYIL, VADAKKUMBHAGOM VILLAGE, ALWAYE TALUK.

4. PAPPU S/O. OUSEPH,
KOZHIKKODAN, KANJOOR, PADINJARUM BHAGOM KARAYIL,
VADAKKUMBHAGOM VILLAGE, ALWAYE TALUK.

5. MINI, D/O. PAPPU,
KOZHIKKODAN, KANJOOR, PADINJARUM BHAGOM KARAYIL,
VADAKKUMBHAGOM VILLAGE, ALWAYE TALUK.

BY ADV. SRI.DINESH MATHEW J.MURICKEN
BY PUBLIC PROSECUTOR MR. AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 08/06/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.A.NO. 2590/2007 IN CRL.R.P.NO. 905 OF 2007

DISMISSED.

SD/-K.R.UDAYABHANU, JUDGE

8-6-2007

TRUE COPY

P.S.TO JUDGE

K.R. UDAYABHANU, J.

CRL.R.P.NO.905 of 2007-C

DATED THIS THE 8th JUNE 2007

ORDER

The revision petitioner is the respondent in the proceedings initiated by the Sub Divisional Magistrate under Section 133 Cr.P.C. The Sub Divisional Magistrate after taking evidence has issued direction to stop the activities of the rice mill owned by the revision petitioner till he obtain the licence after proper examination by the Pollution Control Board; and also to stop the discharge of waste water to the properties and paddy fields of others. The revision petitioner has produced the licence obtained from the Pollution Control Board. According to him, all the requirements of the authorities have been complied with. On the other hand, respondents 2 to 5 have contended that even now filthy water is being discharged to their properties. It is also contended that no licence has been obtained from the Panchayat authorities.

2. In the circumstances, the matter is remitted back to the Sub Divisional Magistrate to reconsider the matter and

dispose of the petition on merits after affording opportunity to both sides to adduce evidence, if they so desire within a period of one month from the date of receipt of a copy of this orde. Till then the order of stay will operate. The Crl.revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

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